

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

No. 12 Cr. 556 (LTS)

YASMINE ZELAYANDIA,

Defendant.

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ORDER

On January 9, 2013, Yasmine Zelayandia (“Defendant”) was charged in a second superseding indictment (the “S2 Indictment”) with conspiracy to distribute narcotics in violation of 21 U.S.C. § 841(b)(1)(A), and possession of a firearm in furtherance of that conspiracy in violation of 18 U.S.C. § 924(c)(1)(A)(1). The Court denied Defendant’s application for bail on January 24, 2013, finding that Defendant was unable to overcome the presumption imposed by 18 U.S.C. § 3142(e), and that no condition or combination of conditions of release would reasonably assure Defendant’s appearance and the safety of the community. On July 16, 2013, Defendant pled guilty, pursuant to a written plea agreement, to conspiracy to distribute narcotics in violation of 21 U.S.C. § 841(b)(1)(C). Defendant has now, by letter dated August 18, 2013, renewed her application for bail. The Court has reviewed thoroughly Defendant’s renewed bail application, the Government’s opposition to the application, and the record as a whole.

The Court is encouraged by Defendant’s acceptance of responsibility, model conduct as an inmate, and desire to pursue opportunities for rehabilitation. The Court finds, however, that Defendant has failed to make the requisite demonstration by clear and convincing evidence that she is not likely to pose a danger to the community, and has failed to show “exceptional reasons” why her detention would not be appropriate, pursuant to 18 U.S.C. §

3145(c). Accordingly, Defendant's renewed bail application is denied.

SO ORDERED.

Dated: New York, New York
August 28, 2013

/S
LAURA TAYLOR SWAIN
United States District Judge